REMARKS

In response to the Office Action mailed January 21, 2010, Applicants respectfully request reconsideration. Claims 1-85 were previously pending in this application. By this amendment, claims 1, 41 and 55-85 have been amended. Claims 23-39 are canceled. As a result, claims 1-22 and 40-85 are pending for examination with claims 1, 40, 41, 55 and 78 being independent. No new matter has been added.

Rejections under 35 U.S.C. §101

Claims 1-39 and 41-85 are rejected under 35 U.S.C. §101. Applicants respectfully traverse the rejections to the extent they are maintained for the claims as amended.

Independent claims 1, 55 and 78 have been amended to make clear that the claims are directed to a system that includes a display device. As is clear from the application as filed, including at page 11, lines 20-29, a system with a display device is within a statutory class.

Independent claim 41 have been amended to indicate that the claimed methods are performed with a machine, and are therefore within a statutory class. Support for the amendments to claim 41 can be found in the application as filed, including at page 53, lines 15-21.

A. Rejection of Claims 1-5, 9-10, 19 and 22 Under 35 U.S.C. §102(e)

Claims 1-5, 9-10, 19 and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Smith, *et al.*, (US 6,463,462 B1). It is respectfully submitted that this rejection should be withdrawn because Smith, *et al.* fails to teach or suggest each and every limitation of applicants' claimed invention.

As amended, claim 1 recites "controls on the display device to receive user inputs that adapt the user interface to one or more preferences of a user." The claim further recites "a priority component that assigns a respective priority value to one or more messages" and that "the one or more display objects each being associated with delivery of a respective message of the one or more messages, and the one or more display objects each having an appearance selected based at least in part on a priority value of the respective message."

Smith, *et al.* does not teach or suggest the aforementioned novel features as recited in the subject claim. The cited reference teaches a messaging system that can receive and send messages from multiple formats by converting the messages into a universal format. Smith, *et al.* does not disclose a system for assigning a priority to a message, but merely states that messages will have differing levels of importance. The system provides a method for a user to establish profiles that can determine which device to employ to deliver messages to the user based upon the message priority.

The Office Action cites Figure 4 and column 6, lines 1-30 of Smith as teaching assigning a priority to a message based upon a predetermined priority associated with the communication channel from which a message is received. However, the cited passages of Smith relate to configuring devices and are unrelated to adapting a user interface as recited in the claim.

In view of at least the foregoing discussion, applicants' representative respectfully submits that Smith, *et al.* fails to teach or suggest all limitations as recited in independent claim 1 (and claims 2-5, 9-10, 19 and 22 that respectfully depend there from), and thus fails to anticipate the subject claims. Accordingly, this rejection should be reversed.

B. Rejection of Claim 40 Under 35 U.S.C. §102(e)

Claim 40 stands rejected under 35 U.S.C. §102(e) as being anticipated by Smith, *et al.* It is respectfully submitted that this rejection should be withdrawn because Smith, *et al.* fails to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 40 recites *configuring the graphical displays according to one or more user preferences associated with the priority and delivery of the one or more messages, the one or more user preferences includes one or more **deferral policies that are given as bounds such that a message of a particular priority will not wait more than a predetermined amount of time before being displayed to a user**.*

The Office Action cites col. 11, lines 17-28 of Smith as teaching this feature. However, the cited sections refer to configuring devices, profiles or schedules. These sections are unrelated to any specific bounds on time limits within which a message must be delivered to the recipient based upon the message priority. As such, Smith, *et al.* fails to teach or suggest that *the one or more user*

*preferences includes one or more **deferral policies that are given as bounds such that a message of***
a particular priority will not wait more than a predetermined amount of time before being
displayed to a user.

Therefore, this rejection should be withdrawn.

C. Rejection of Claims 41-51 Under 35 U.S.C. §102(b)

Claims 41-51 stand rejected under 35 U.S.C. §102(b) as being anticipated by Juha Takkinen (CAFÉ: A Conceptual Model for Managing Information in Electronic Mail), hereinafter referred as Takkinen. It is respectfully submitted that this rejection should be withdrawn because Takkinen fails to teach or suggest each and every limitation of applicants' claimed invention.

Claim 41 as amended, recites multiple types of user input, including "user input scheduling a period when one or more user profiles are activated" and "user input configuring at least one set of parameters for the one or more profiles." The claim further recites: "delivering the one or more messages based at least in part on the priority values, the profile that is activated in accordance with a scheduled period, and the at least one set of parameters."

As understood, the rejection is based on modes of Takkinen. However, the modes of Takkinen are understood to be pre-defined. Therefore, Takkinen does meet at least the limitations of claim 41 relating to receiving and applying user input, and the rejection should be withdrawn.

D. Rejection of Claims 55-68, 70-71 and 74-77 Under 35 U.S.C. §103(a)

Claim 55-68, 70-71 and 74-77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Abu-Hakima in view of Wright. It is respectfully submitted that this rejection should be withdrawn because Abu-Hakima and Wright, *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 55, as amended, recites *one or more controls and displays to at least one of acquire user preferences, inspect behavior, and guide learning and decision policies of the adaptive prioritization and routing system, wherein the user preferences includes a user defined amount of time of inactivity of a message retrieval device.* The claim also recites *the user interface holds back messages from delivery to the message retrieval device when inactivity exceeding the*

user defined amount of time of is detected. The subject claim discloses that messages can be held back from being transmitted to a user if a user's device is inactive for a user defined threshold period of time. As conceded in the Office Action, Abu-Hakima fails to teach this novel feature of the subject claim. Though Wright *et al.* is cited as meeting these limitations, Wright *et al.* is silent regarding a user defined amount of time of inactivity that is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded. Rather, Wright, *et al.* teaches a system for managing data packets on a communication network. The cited section (column 27, lines 26-34) relates to the minimum amount of time a subscriber device will stay idle after it is determined to be idle. This is unrelated to the claim limitation of receiving input that specifies how long a period user inactivity must occur before messages are held back.

Therefore, Abu-Hakima, and Wright, *et al.* fail to teach all elements of the subject claim.

Accordingly, applicants' representative respectfully submits that Abu-Hakima and Wright, *et al.*, alone or in combination, fail to teach or suggest all limitations as recited in independent claim 55 (and claims 54-68, 70-71 and 74-77 that depend there from), and thus fails to make obvious the subject claims. Therefore, this rejection should be withdrawn.

E. Rejection of Claims 78-85 Under 35 U.S.C. §103(a)

Claims 78-85 stand rejected under 35 U.S.C. §103(a) as being unpatentable Abu-Hakima in view of Horvitz, *et al.* (The Lumiere Project). It is respectfully submitted that this rejection should be withdrawn because Abu-Hakima and Horvitz, *et al.* do not teach each and every element of the subject invention as recited in the subject claims.

Independent claim 78 recites *one or more controls and displays to acquire message priority settings associated with the adaptive prioritization and routing system ; and a user interface associated with the one or more controls and displays that provides at least a user adjustable control of an amount of messages received via the message priority settings and a feedback directed to the user relating to the settings, the **feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings**.* The Office Action dated February 4, 2008 concedes that Abu-Hakima does

not teach that the feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings.

Horvitz, *et al.* is cited to make up for the deficiencies of Abu-Hakima. The Office Action cites page 5, left column, 3rd paragraph and page 8, right column, 1st paragraph as teaching this feature. However, that passage discusses conditional probabilities in a Bayesian model related to user' goals and observed user actions over a time space. Page 8, right column, 1st paragraph discusses a user settable threshold for controlling when an automated assistant will offer help to a user.

Because neither reference relates to *feedback including a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings,* even if Abu-Hakima and Horvitz, *et al.* combined claim 78 distinguishes over the cited references.

General Comments on Dependent Claims

Each of the dependent claims depends from a base claim that is believed to be in condition for allowance, and Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 23/2825 referencing docket no. M1103.70715US00.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. M1103.70715US00 from which the undersigned is authorized to draw.

Dated: April 21, 2010

Respectfully submitted,
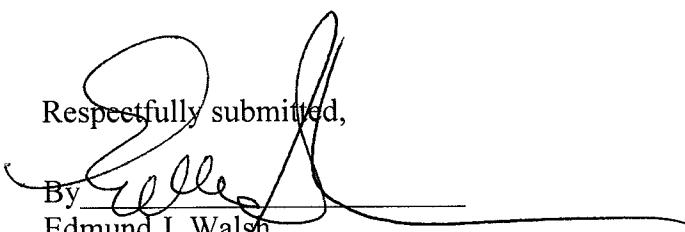
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